

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Haim Emil DAHAN et al.)	Group Art Unit: 3767
)	
Serial No.: 10/774,939)	Examiner: Laura C. SCHELL
)	
Filed: February 9, 2004)	
)	Confirmation No.: 8623
For: APPARATUS AND METHOD FOR)	
MEASURING FLUID FLOW TO A)	
SUCKLING BABY)	

MAIL STOP AMENDMENT

VIA EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, KAIZEN INTERNATIONAL TECHNOLOGIES BIO-TECH, INC., LLP, duly organized under the laws of Israel and having its principal place of business at 42 SOLD STREET, RAANANA 43219, ISRAEL, represents that it is the assignee of the entire right, title, and interest in and to the above-identified Application No. 10/774,939, filed February 9, 2004, for APPARATUS AND METHOD FOR MEASURING FLUID FLOW TO A SUCKLING BABY in the names of HAIM EMIL DAHN, JOSE MARIO MESCHIANY, and LIPA LEON ROITMAN, as shown by virtue of the assignment recorded at Reel 015335, Frame 0182, on May 17, 2004. Assignee KAIZEN INTERNATIONAL TECHNOLOGIES BIO-TECH, INC., LLP, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Application No.

11/300,515 ("the '515 Application") filed December 15, 2005, as shown by virtue of the assignment recorded at Reel 017792, Frame 0619, on June 14, 2006.

To obviate an obviousness-type double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent which may issue from the '515 Application. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issued from the '515 Application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issued from the '515 Application, as presently shortened by any terminal disclaimer, in the event that any patent issued from the '515 Application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The required fee of \$140.00 is being filed with this disclaimer. If the fee is not enclosed or there are any additional fees due, please charge the fees to our Deposit

Account No. 06-0916. If an extension of time under 37 C.F.R. § 1.136 is required for the proper entry and consideration of this disclaimer, such an extension is requested and the fee should also be charged to our Deposit Account No. 06-0916.

The undersigned is an attorney of record, as reflected by the Associate Power of Attorney filed May 17, 2004.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 24, 2008

By: /Jeffrey A. Freeman/
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